

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CITY OF WESTLAND POLICE AND FIRE RETIRE-
MENT SYSTEM,

Plaintiff,

-against-

12-cv-0256 (LAK)

METLIFE, INC., et al.,

Defendants.
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ORDER

LEWIS A. KAPLAN, *District Judge*.

Several of the parties have moved for summary judgment or partial summary judgment. Some have moved as well as to exclude the testimony of one or more of six proposed expert witnesses.

To the extent that the testimony of any of the six proposed expert witnesses proves material to the disposition of any of the pending summary judgment motions, the Court will resolve any material questions of admissibility in ruling on the dispositive motions. To the extent that the issues of admissibility are not material, however, it would be time consuming and possibly extremely wasteful to rule on them unless and until it becomes apparent that the case actually will be tried and that the expert or experts to which the issues pertain actually would be called, depending upon the outcome of the evidentiary issues.

In the circumstances, all of the motions to exclude testimony of experts [DI 242, DI 246, DI 248, DI 258, DI 280 and DI 292] are denied without prejudice to renewal should the circumstances warrant in light of the foregoing remarks.

SO ORDERED.

Dated: August 4, 2019

/s/ Lewis A. Kaplan

Lewis A. Kaplan
United States District Judge

